



B/ITW

PATENT
02580-P0056A WWW/SBS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Marc R. Amling, <i>et al.</i>
Serial No. 10/034,271	Filing Date: December 28, 2001
Title of Application:	Unified Electrical And Illumination Cable For Endoscopic Video Imaging System
Confirmation No. 9459	Art Unit: 3739
Examiner	John P. Leubecker

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Petition to Withdraw Holding of
Abandonment Pursuant to 37 CFR 1.181(a)**

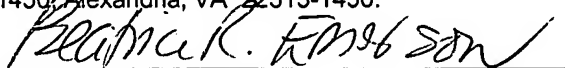
Dear Sir:

On September 30, 2004, a Notice of Abandonment was mailed in the above-captioned case (copy attached as Exhibit A) due to "Applicant's failure to timely file corrected drawings".

Applicants, through their duly appointed Attorneys, hereby petition the Commissioner to withdraw this holding of abandonment on grounds that a proper reply to the Notice of Allowability mailed on July 26, 2004 was in fact timely deposited in the U.S. Patent and Trademark Office.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Post Office Box 1450, Alexandria, VA 22313-1450.

October 14, 2004


Beatrice R. Emerson

The Notice of Allowability of May 20, 2004, set a shortened statutory period for reply three months from the date of the letter. As such, a reply would be timely filed on or before August 20, 2004. Applicants contend that a proper reply was timely filed on July 26, 2004 (see copy of documents as mailed attached hereto as Exhibit B). As the corrected drawings were filed on July 26, 2004 it did not appear unusual to applicant that a stamped postcard had not yet been received back from the US Patent and Trademark Office by August 21, 2004, which was the abandonment date. Applicant points out that the Reply includes a Certificate of Mailing pursuant to 37 CFR 1.8.

According to 37 CFR 1.8(b):

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

With respect to element (1) above, Applicants became aware that the Office has no evidence of receipt of the correspondence on October 6, 2004, upon receipt of the above-mentioned Notice of Abandonment. Applicants promptly filed the present Petition.


With respect to element (2) above, Applicants have attached an additional copy of the previously mailed correspondence hereto as Exhibit B.

With respect to element (3) above, the below-signing attorney, who was the attorney signing the missing documents, attests on a personal knowledge basis that the missing documents were filed on July 26, 2004. Applicants note that an itemized self-addressed and postage-prepaid postcard was also included with the missing documents (copy attached at Exhibit B) as is standard practice of the undersigning attorney, but that a copy stamped by the Office cannot be located in the file, and is therefore presumed to have not been received from the Office.

In light of the above, Applicants respectfully request that the holding of abandonment be withdrawn and that the Response to Official Action be considered by the Examiner.

Applicants believe that no fee is due in connection with this Petition. However, if any fee is due, please charge to Deposit Account No. 19-4516.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Registration No. 33,558
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,271	12/28/2001	Marc R. Amling	02580-P0056A	9459

24126 7590 09/30/2004

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

EXAMINER

LEUBECKER, JOHN P

ART UNIT

PAPER NUMBER

3739

RECEIVED

St. Onge Steward Johnston & Reens

DATE MAILED: 09/30/2004

OCT 06 2004

FILE
DKT

Was allowed
changed to abandoned
8-2004 drawing
11-20-04 update (4)

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10034271



EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment



**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



Case No. 02580-P0056A WWW/SBS/be

Applicants: Marc R. Amling, *et al.*

SN: 10/034,271

Filed 2001/12/28

Art Unit 3739

For: Unified Electrical And Illumination Cable For Endoscopic Video Imaging System

Receipt is hereby acknowledged of Transmittal of New Drawings within Three-Month Period of Response Set In Notice of Allowability; and **eleven** sheets of Drawings.

Mailed July 26, 2004

Commissioner
for Patents



No
PATENT
02580-P0056A WWW/SBS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Marc R. Amling, <i>et al.</i>
Serial No. 10/034,271	Filing Date: December 28, 2001
Title of Application:	Unified Electrical And Illumination Cable For Endoscopic Video Imaging System
Confirmation No. 9459	Art Unit: 3739
Examiner	John P. Leubecker

Mail Stop Issue Fee
Attn: Official Draftsman
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

***Transmittal of New Drawings to
Correct Informalities Within Three-Month Period
Of Response Set In Notice of Allowability (PTOL37)***

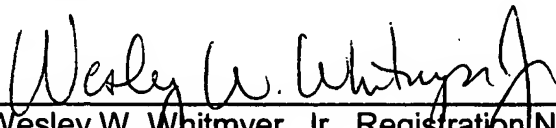
Dear Sir or Madam:

To correct the informalities in the drawings, Applicants submit herewith eleven sheets of formal drawings.

The three-month period of response set in the Notice of Allowability (PTOL 37) expires on August 20, 2004, and this submission is on or before the expiry date.


Respectfully submitted,

July 26, 2004


Wesley W. Whitmyer, Jr., Registration No. 33,558
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicants
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986 Bedford Street; Stamford, CT 06905-5619
203 324-6155

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents; Post Office Box 1450; Alexandria, VA 22313-1450.

July 26, 2004


Beatrice R. Emerson

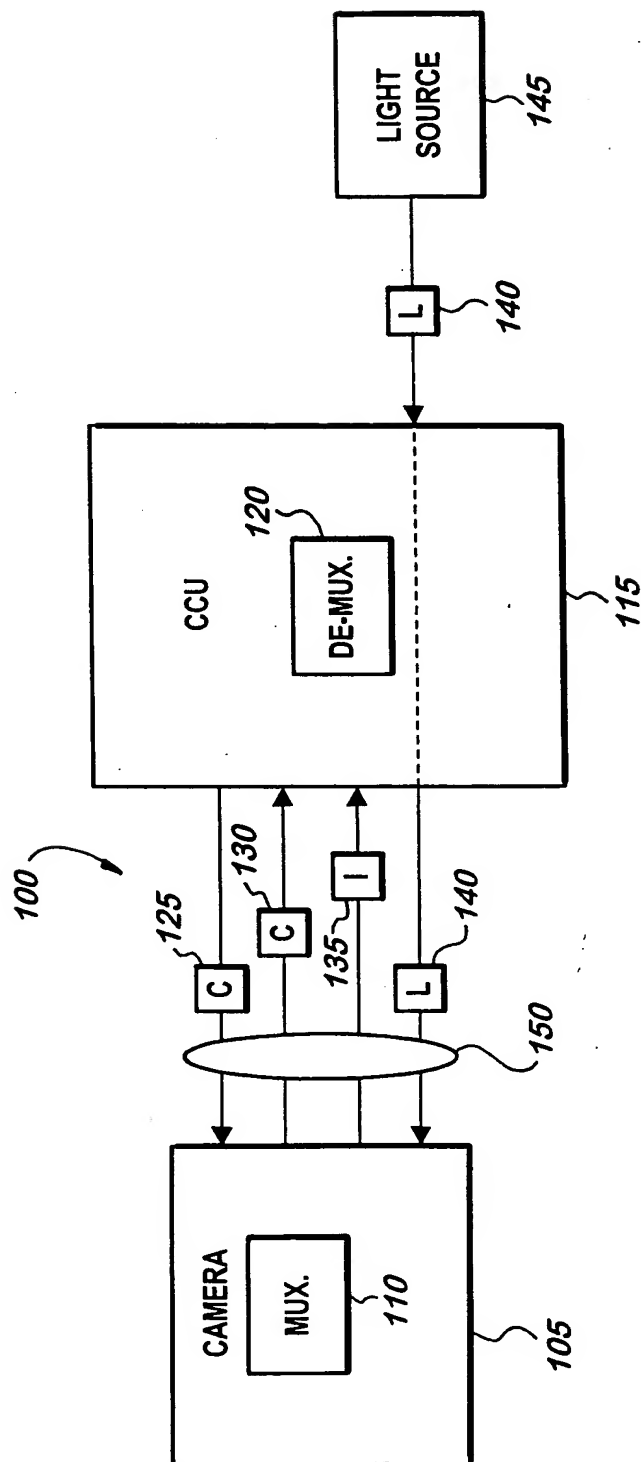
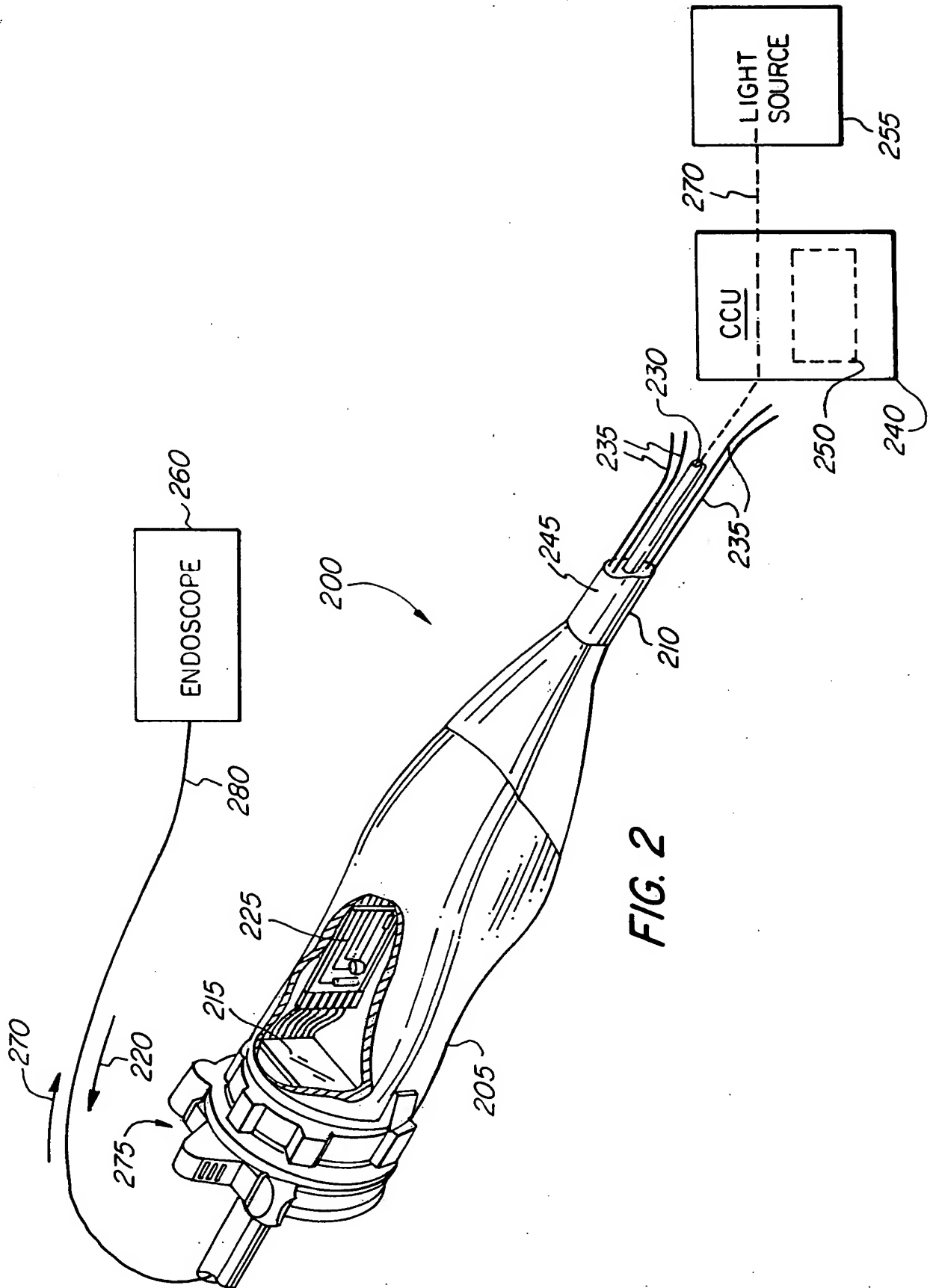
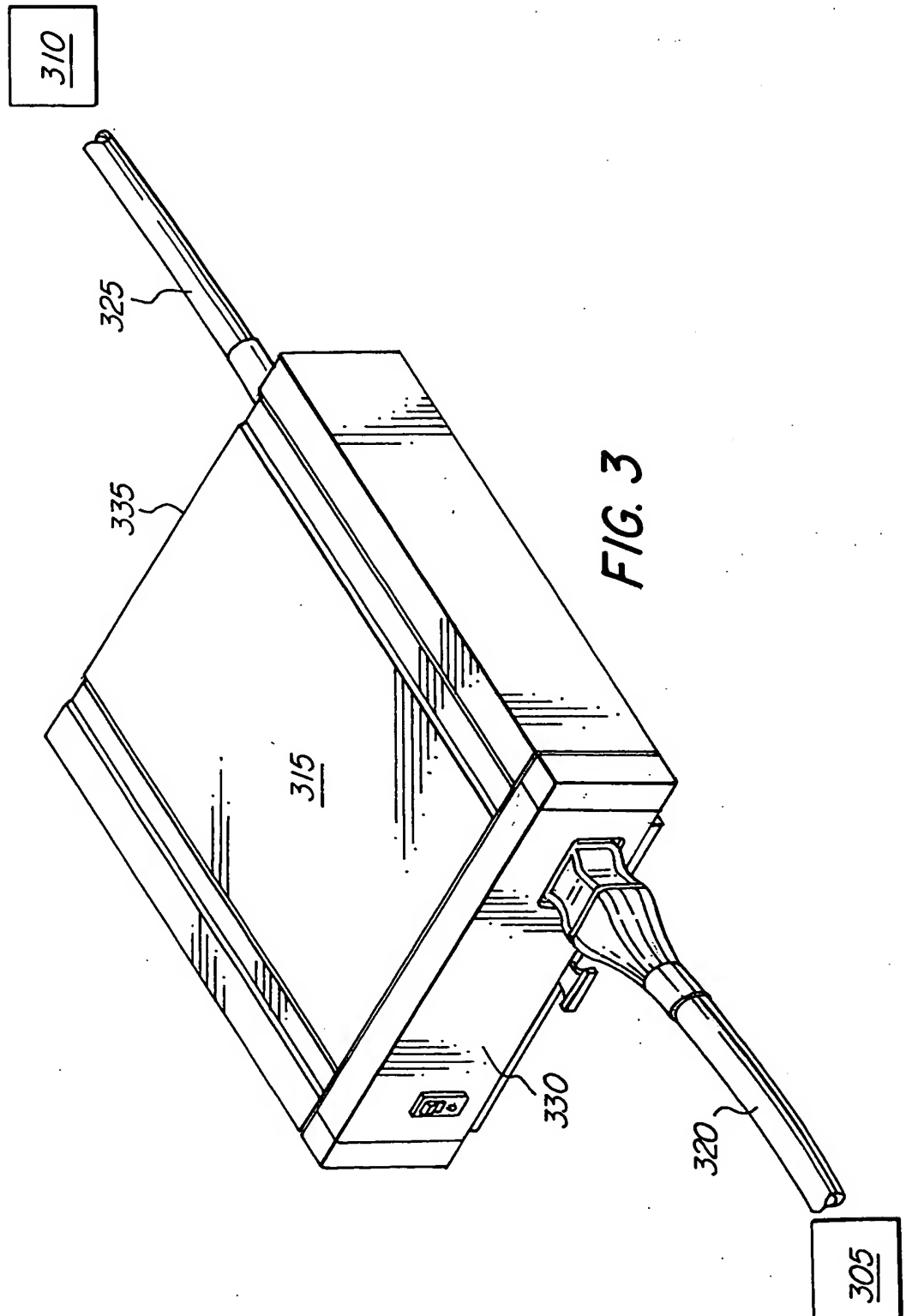
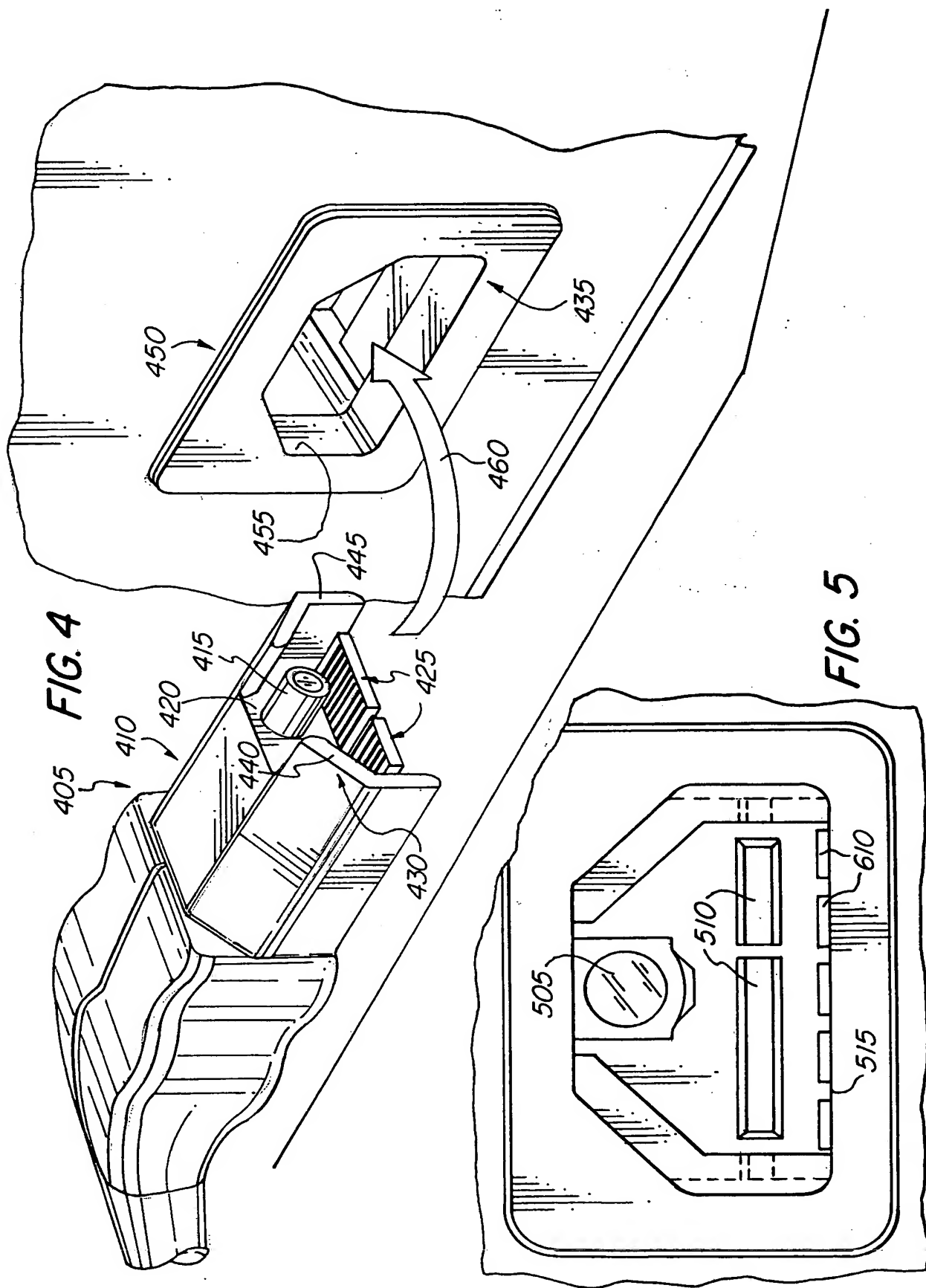
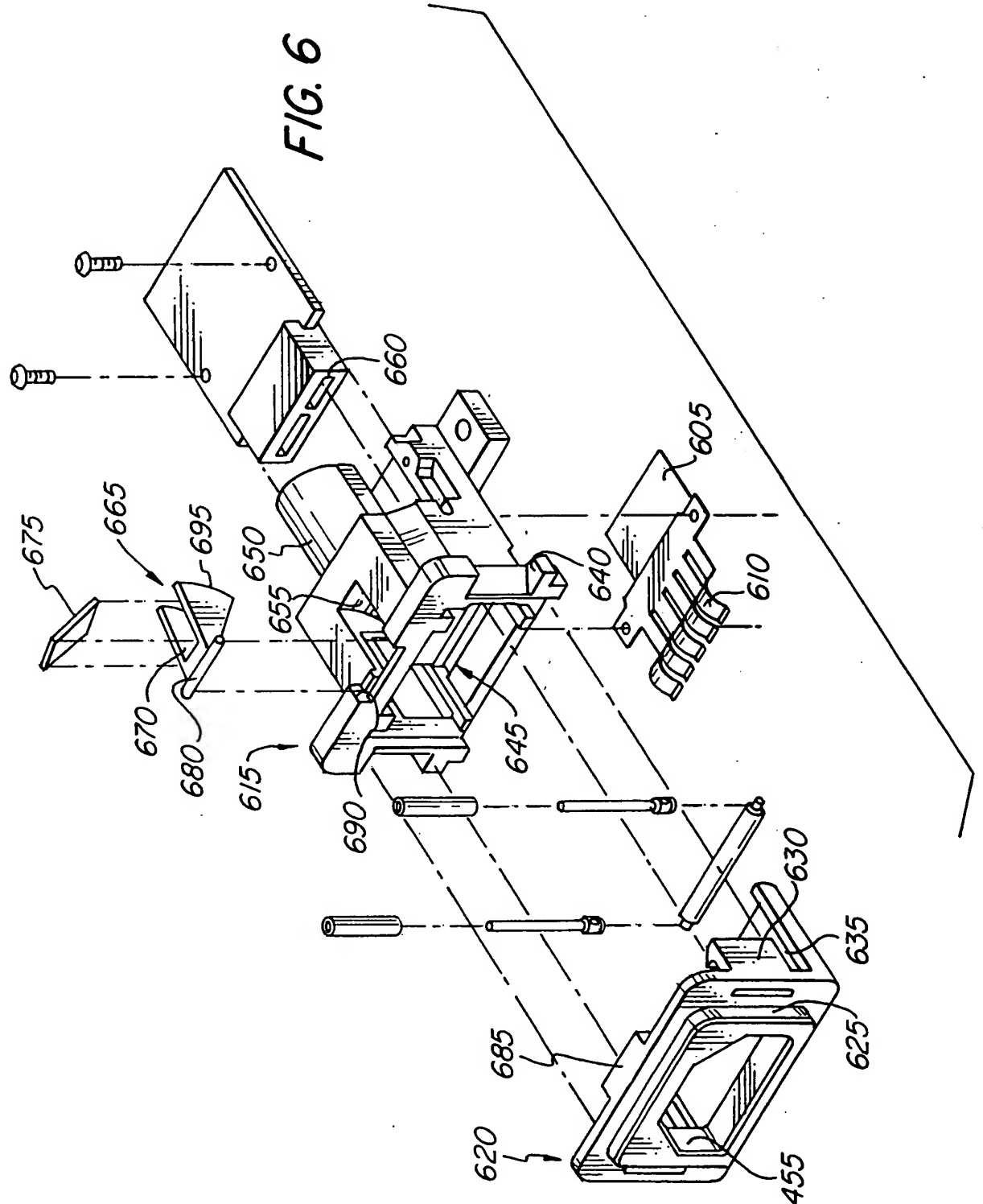


FIG. 1









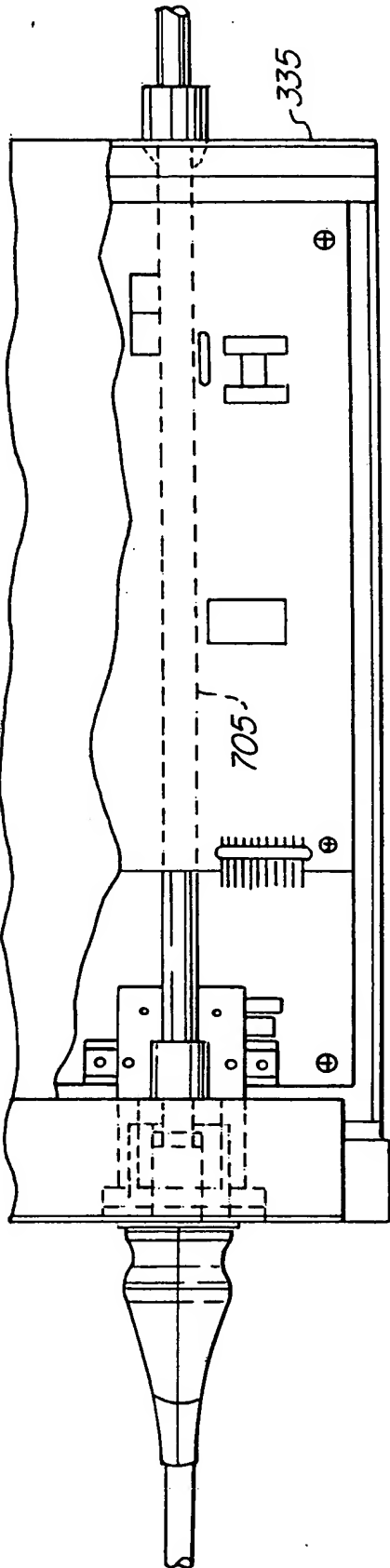


FIG. 7

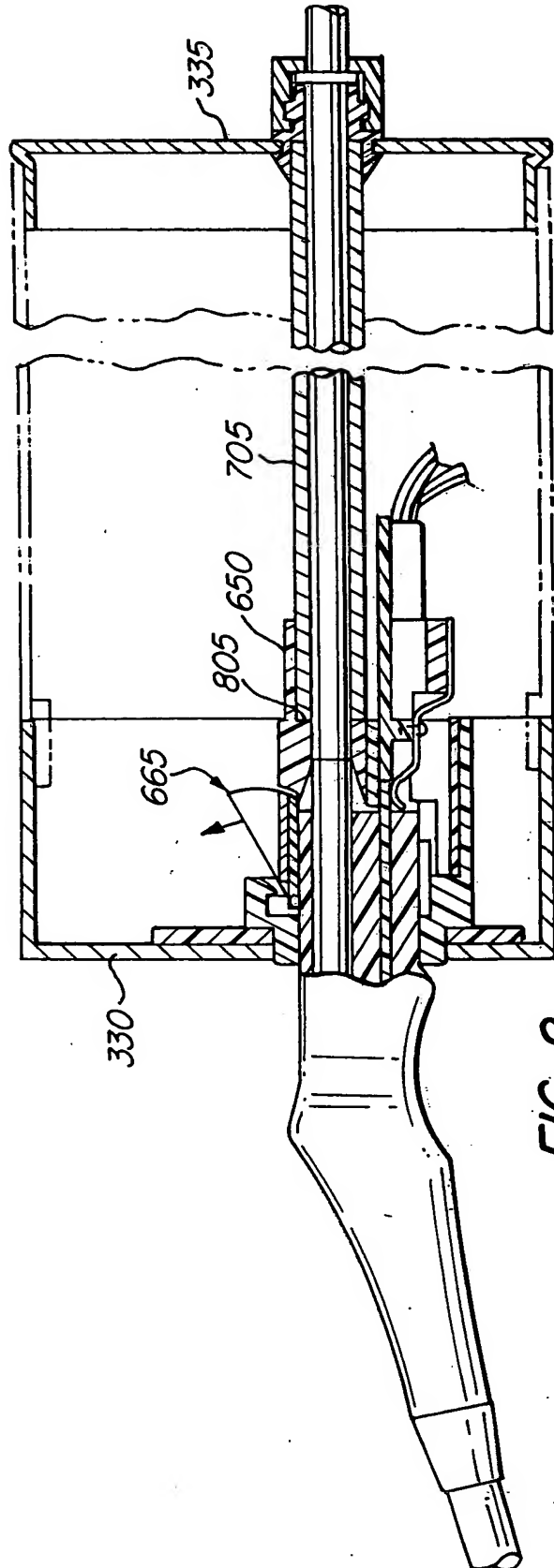
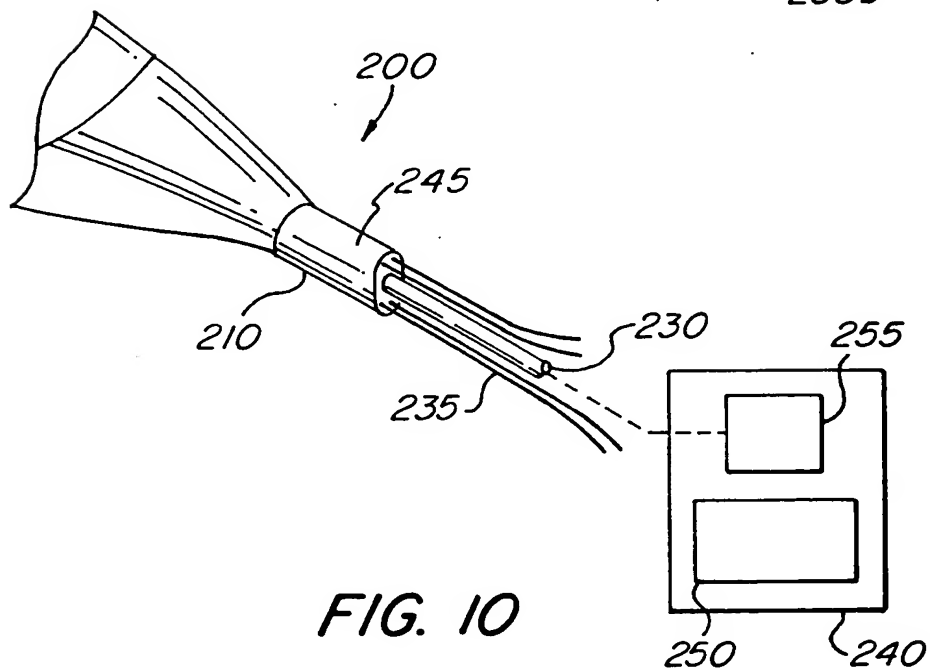
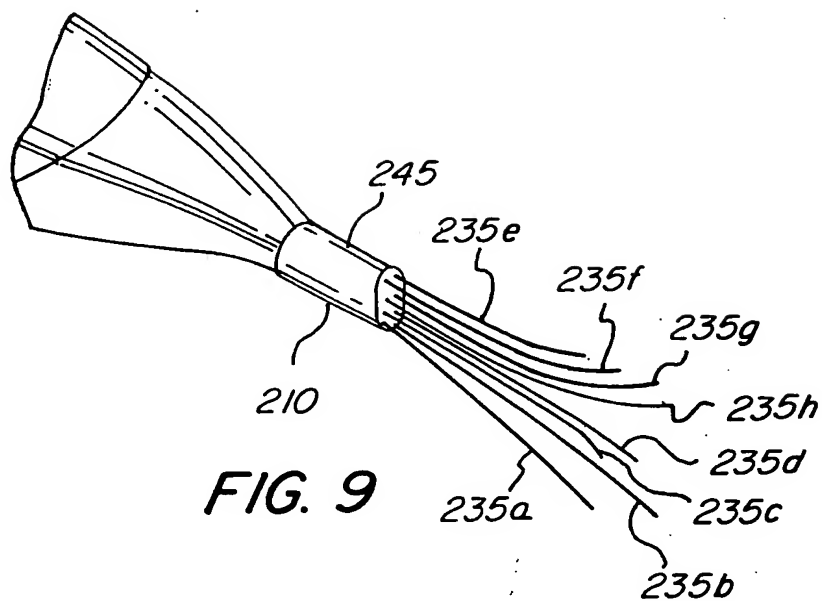


FIG. 8



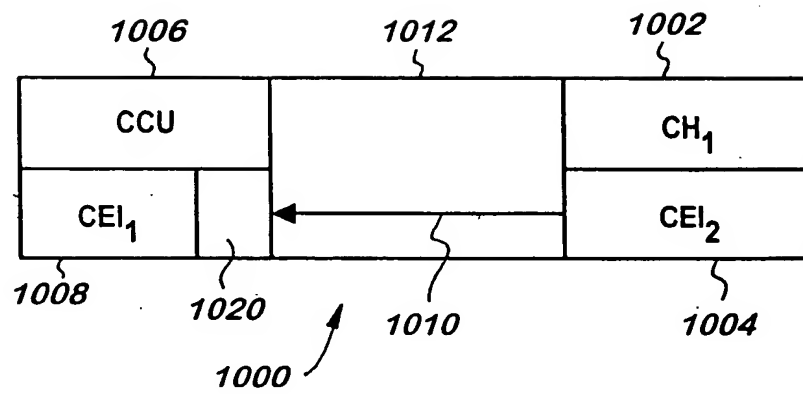


FIG. 11

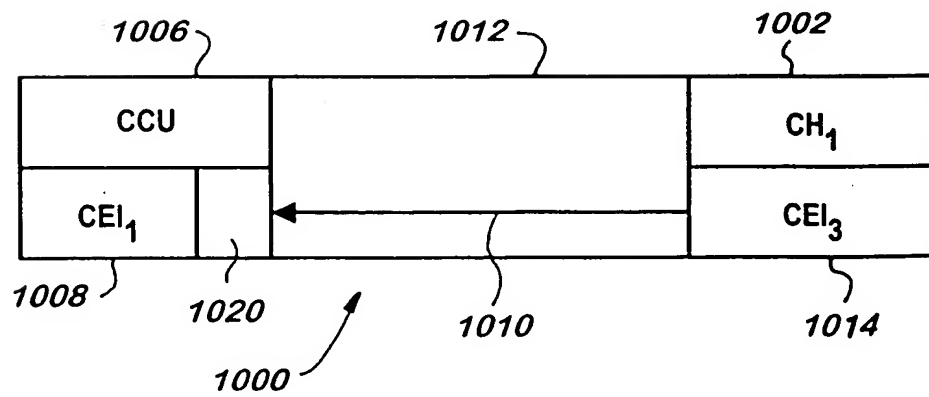


FIG. 12

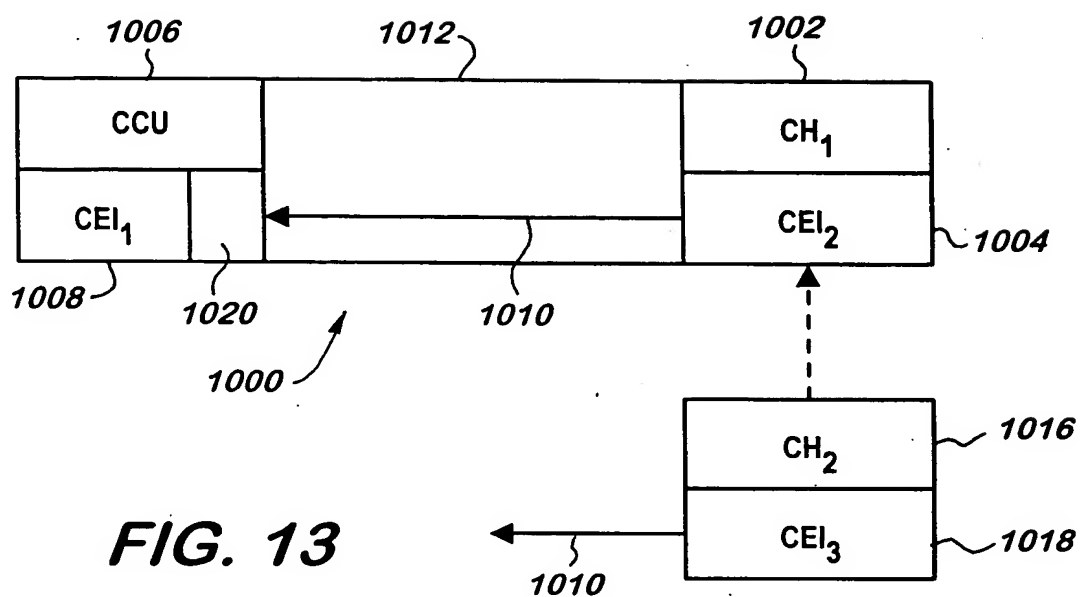


FIG. 13

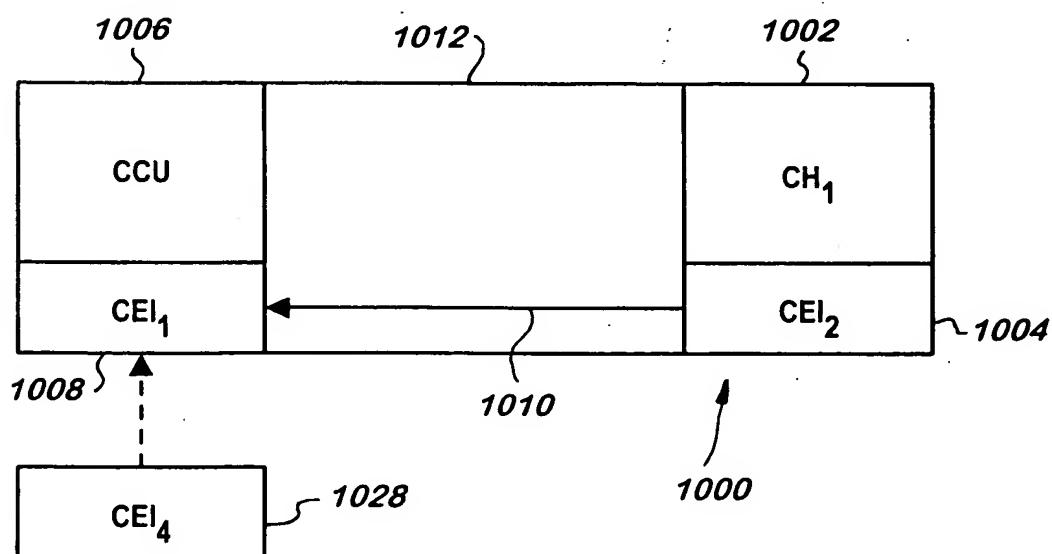


FIG. 14

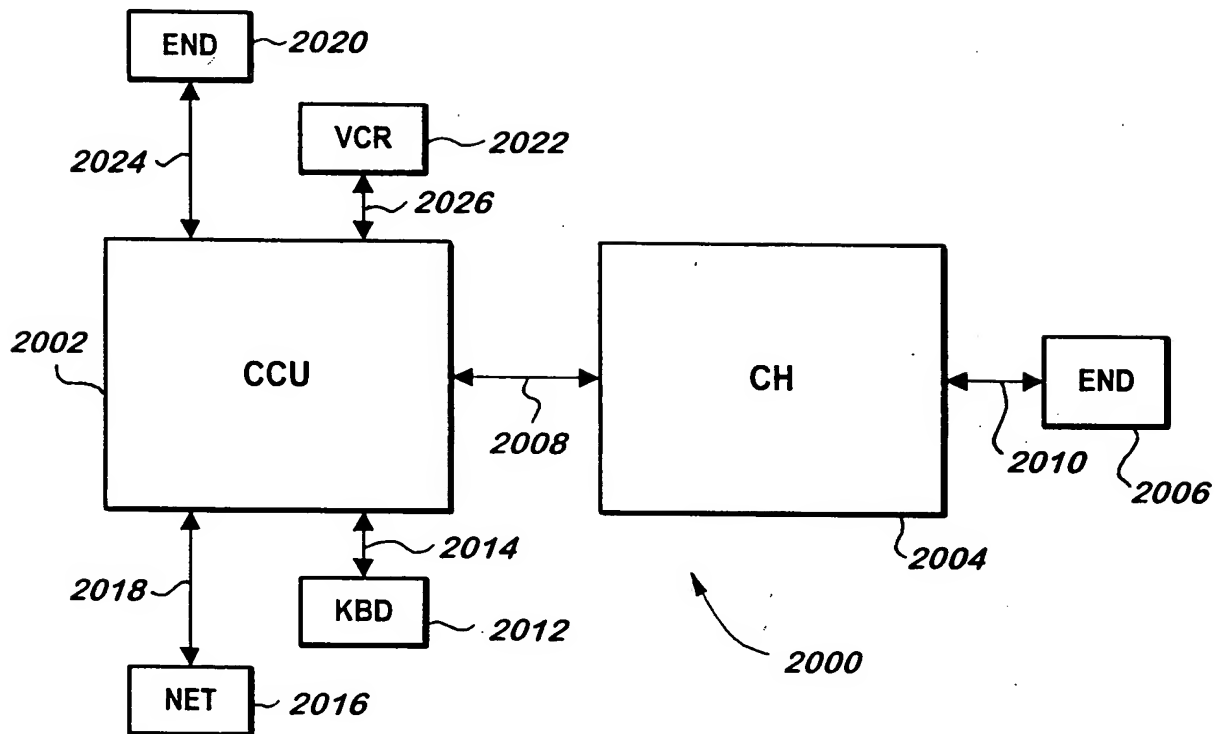


FIG. 15

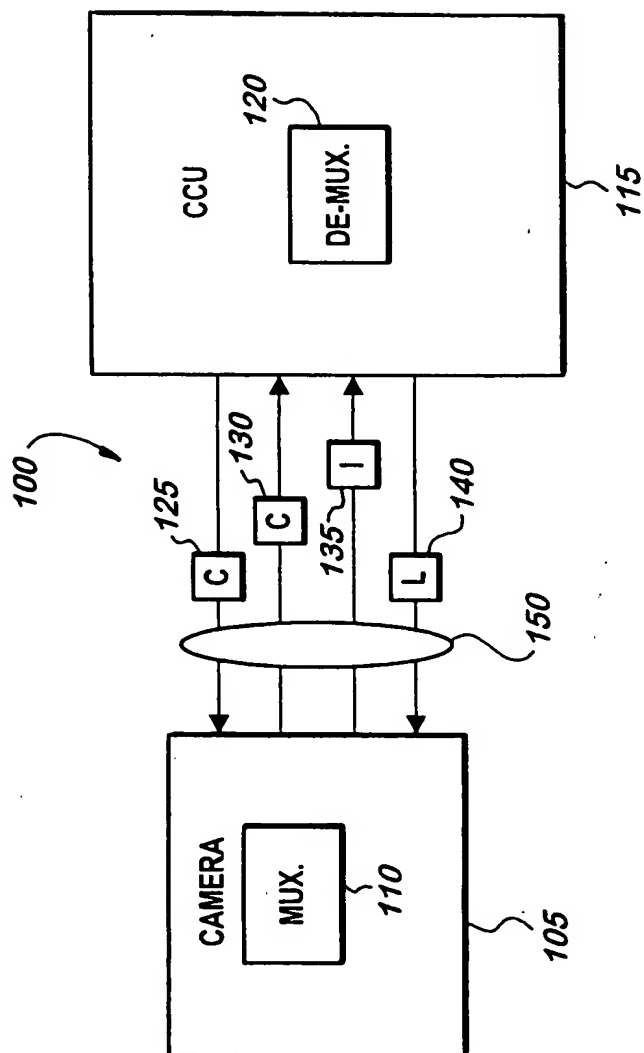


FIG. 16